



Entered on Docket  
September 29, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

LAW OFFICE OF FRANK SORRENTINO  
FRANK SORRENTINO, ESQ.  
Nevada Bar No. 000421  
ANTHONY V. SORRENTINO, ESQ.  
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Attorneys for Debtors

E-filed: 09-11-2009

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:	)	BK-S-08-25456-LBR
	)	Chapter 13
<b>RODOLFO L. RIVERA and</b>	)	Trustee: Kathleen A. Leavitt
<b>LINDA T. RIVERA</b>	)	
	)	
Debtors.	)	Date: September 10 <sup>th</sup> , 2009
	)	Time: 3:30 p.m.

**ORDER GRANTING MOTION TO VALUE COLLATERAL, "STRIP OFF" AND  
MODIFY RIGHTS OF EMC MORTGAGE CORP. (ACCOUNT ENDING IN 1020)  
PURSUANT TO 11 U.S.C. §506(a) AND §1322**

This matter of Debtors RODOLFO L. RIVERA and LINDA T. RIVERA, requesting the Court's permission to Value Collateral, "Strip Off" and Modify Rights of EMC MORTGAGE CORP. (account ending in 1020), Pursuant to 11 U.S.C. §506(a) and §1322, coming on for hearing this 10<sup>th</sup> day of September, 2009, at 3:30 p.m., with the LAW OFFICE OF FRANK SORRENTINO, appearing for Debtors RODOLFO L. RIVERA and

LINDA T. RIVERA, and KATHLEEN A. LEAVITT appearing as the Chapter 13 Trustee, and pursuant to notice duly given, no opposition being filed by creditor, and the Court having heard the representation of counsel for Debtors and the Chapter 13 Trustee, and being otherwise informed, and good cause appearing therefore,

IT IS HEREBY ORDERED that the security interest of EMC MORTGAGE CORP. (account ending in 1020) in the real property commonly known as 2416 Ozark Plateau Dr., Henderson, NV 89044, and legally described as:

Lot forty-six (46) in Block five (5) of Sun City Anthem Unit No. 40 as shown by map thereof on file in Book 124 of Plats, Page 49 in the Office of the County Recorder of Clark County, Nevada

is hereby avoided and set aside and that the claim of EMC MORTGAGE CORP. (account ending in 1020) in these bankruptcy proceedings shall be treated as unsecured.

IT IS FURTHER ORDERED that said lien of EMC MORTGAGE CORP. (account ending in 1020) on the aforementioned property will be preserved if Debtors' bankruptcy case is converted or dismissed.

IT IS FURTHER ORDERED that the certain Deed of Trust recorded in the Office of the Clark County Recorder as document number 20080602-01276 on June 2, 2008, is hereby removed and expunged from the County records and shall no longer constitute a lien or encumbrance upon the aforesaid real property.

**IT IS SO ORDERED.**

DATED this 11<sup>th</sup> day of September, 2009.

Submitted by:

LAW OFFICE OF FRANK SORRENTINO

CHAPTER 13 TRUSTEE

/s/ Frank Sorrentino

/s/ Kathleen A. Leavitt

By: \_\_\_\_\_

By: \_\_\_\_\_

FRANK SORRENTINO, ESQ.

KATHLEEN A. LEAVITT

Nevada Bar #000421

1118 E. Carson

Las Vegas, NV 89101

Attorney for Debtors

...

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1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned certifies:

3 ☐ The Court waived the requirements of LR 9021.

4 ☐ I have delivered a copy of this proposed order to all attorneys and  
5 unrepresented parties who appear at the hearing regarding this matter  
and/or who filed a written objection and each has:

6 ☐ approved the form of this order;

7 ☐ waived the right to review the order; and/or

8 ☐ failed to file and serve paper in accordance with LR 9021(c)

9 ☒ I have delivered a copy of this proposed order to all attorneys, any trustee  
10 appointed in this case, and unrepresented parties who appeared at the  
11 hearing regarding this matter and/or who filed a written objection and all  
have either approved the form of this order, waived the right to review the  
12 order, failed to file and serve papers in accordance with LR 9021(c) and the  
13 following have disapproved the form of the order:

14 ☐ No Opposition was filed to the motion and no other party or counsel  
15 appeared at the hearing.

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